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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/586,736	06/05/2000	Yezdi Dordi	4256	7891

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APPLIED MATERIALS, INC.  
2881 SCOTT BLVD. M/S 2061  
SANTA CLARA, CA 95050

EXAMINER

LEADER, WILLIAM T

ART UNIT PAPER NUMBER

1742

DATE MAILED: 06/15/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/586,736	<b>Applicant(s)</b> DORDI, YEZDI	
	<b>Examiner</b> William T. Leader	<b>Art Unit</b> 1742	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 03 April 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 30-32,34,36-39,42 and 56 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 30-32,34,36-39,42 and 56 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. Receipt of the papers filed on April 3, 2006, is acknowledged. Claims 30-32, 34, 36-39, 42 and 56 are pending.
2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
3. In view of the amendments to the claims, the rejections of record are withdrawn and the following new grounds of rejections presented.

#### ***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

5. Claims 30-32, 34, 36-39, 42 and 50 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.
6. Applicant has amended independent claims 30 and 36 to recite that no insulating members are positioned below adjacent anode segments. An embodiment of applicant's invention is shown in figure 2 and described on page 6 of the specification. Elements 203a,

203b, 203c and 203d are shown as adjacent anode segments. These adjacent anode segments may be considered to define a height or elevation. Element 270 is a base support. The base support is located below the height or elevation defined by the adjacent anode segments 203a, 203b, 203c and 203d. Page 6, line 30 describes the base support as "insulating". Thus, the specification and drawings as filed describe and show apparatus in which an insulating element is positioned below adjacent anode segments. Indeed, the *only* configuration that appears to be shown and described is one in which an insulating support is positioned below adjacent anode segments. The newly added claim limitation that there are no insulating members positioned below adjacent anode segments appears to be contrary to the teaching of the specification. Consequently, basis in the specification as filed for this newly added limitation is not apparent. This limitation is considered to constitute new matter.

***Claim Rejections - 35 USC § 103***

7. Claims 30-32, 34, 36-39 and 56 are rejected under 35 U.S.C. 103(a) as being unpatentable over May et al (5,322,614) in view of Inoue (5,244,550).
8. The May et al patent discloses an electrolytic cell with an electrolyte container 1, an anode structure with a plurality of anode segments 41, 42, 43 and 44, and insulating members 7 positioned between adjacent anode segments.
9. Claims 30 and 36 differ from May by reciting an anode support mounted on an anode base. Figure 1 of May et al is schematic in that no support for the anodes is shown although a support is clearly suggested since the anodes could not remain in the generally vertical position

shown without a support. The Inoue patent discloses an electrolytic cell in which a vertically oriented electrode 3 is supported by the wall of the container 1 by holders 4. Instant claims 30 and 36 recite an electrolyte container comprising an anode base. No characterization of the anode base is recited. An anode base is taken to be any element of the container apparatus that is capable of supporting the anode. Thus, the side wall of Inoue is considered to be an anode base. It would have been obvious at the time the invention was made to have provided support elements like holders 4 of Inoue in the apparatus of May et al to support the anodes because such holders would have supported the anodes in the position shown in figure 1 of May et al. With respect to claims 31, 32, 37 and 38 the anode segments of May et al have substantially coplanar upper and lower surfaces. With respect to claims 34 and 42, Inoue suggests that each anode support is connected to an anode. With respect to claim 39, May et al disclose that an electrical source is coupled to each anode segment. See connections 410, 420, 430 and 440 in figure 1.

***Claim Rejections - 35 USC § 102***

10. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

11. Claims 30-32, 34, 36-39, 42 and 56 are rejected under 35 U.S.C. 102(b) as being anticipated by Kibby (3,673,075).

12. The Kibby patent discloses an electrolytic cell with container 12 which includes frame

18. The container of Kibby corresponds to the container recited in the instant claims, while the

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frame corresponds to the anode base. The apparatus includes a plurality of anode segments 24a, 24b, 24c, 24d. See figure 1. As shown in figure 2, crust 30 of frozen electrolyte and alumina and blanket 42 of particulate alumina are formed between anode segments. These constitute an insulating wall positioned between adjacent anode segments. Pins 50 constitute an anode support which is fastened to the anode base 18. Thus, all elements recited in instant claim 30 are present in Kibby. The opening at the top of the container may be considered to be an inlet port. With respect to claims 31, 32, 37 and 38 the anode segments of Kibby et al have substantially coplanar upper and lower surfaces. With respect to claims 34 and 42, Kibby shows that each anode support 50 is connected to an anode. With respect to claim 39, May et al disclose that an electrical source is coupled to each anode segment through pins 50. With respect to claim 50, the electrolyte solution between anode segments contacts both of the adjacent anode segments as shown in figure 2.

13. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

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CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to William T. Leader whose telephone number is 571-272-1245. The examiner can normally be reached on Mondays-Thursdays and alternate Fridays, 7:30-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Roy King, can be reached on 571-272-1244. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



William Leader  
June 8, 2006



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